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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,947

06/27/2005

Choo Woon Loh

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08/13/2009

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EXAMINER

KENDALL, CHUCK O

ART UNIT

PAPER NUMBER

2192

MAIL DATE

DELIVERY MODE

08/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,947	Applicant(s) LOH ET AL.	
	Examiner CHUCK O. KENDALL	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/05/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This is in response to Application filed 05/05/09.
2. Claims 1 – 22 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackson et al. US2002/0152305 A1.

Regarding claims 1, 10, 19 and 20 Computer readable media comprising instructions which, when executed by a processor, cause the processor to implement the computer readable media for estimating a quantity of a

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resource required during installation of a software application on a computing system [0459], comprising the steps of accessing a database having historical resource utilisation data stored thereon the historical resource utilization data comprising information about resources required during the installation of the software application on other computing systems, see [0459],

"...using one or more data analysis algorithms or other relationship/s suitable for performing analysis or otherwise generating data based at least in part on resource utilization information from history repository 2300. Examples of types of analysis that may be performed include historical analysis (e.g., resource utilization summaries by processing engine, system, etc.) of past resource utilization data, and/or predictive analysis (e.g., resource utilization forecasting, processing engine requirement projections, etc.). Results of such analyses may be further employed for capacity planning purposes, e.g., purchase and/or installation of additional hardware subsystems, re-allocation of workload among subsystems or processing engines, etc...",

selecting a value for a parameter of the computing system relevant to resource utilisation and a value for a parameter of the software application relevant to resource utilisation and using the historical resource utilisation data and the selected parameter values to estimate the quantity of the resource required for installation of the software application [0037-0038, and 0451].

Regarding claims 2 and 11, the computer readable media in accordance with claim 1, wherein the historical resource utilisation data includes parameter values of the computing systems and parameter values of the software applications historically installed deployed [0037, see "...history repository capable of maintaining, the logged resource utilization information and being implemented on a server coupled to the system management processing engine...".

Regarding claims 3 and 12, the computer readable media in accordance with claim 2, wherein the historical resource utilisation data includes statistics, the statistics being values of the quantities of resources used in the historical installation [0016].

Regarding claims 4 and 13, the computer readable media in accordance with claim 3, wherein the historical resource utilisation data includes at least two parameter/statistic pairs for historical installation [0277].

Regarding claims 5 and 14, the computer readable media in accordance with claim 3, wherein the relationship between the parameter

and statistic pairs is derived by applying a statistical model to the parameter/statistic pairs [0277].

Regarding claims 6 and 15, the computer readable media in accordance with claim 4, wherein a relationship is predicted between a statistic and n distinct parameters, where n is any integer greater than or equal to two, comprising the further step of obtaining $m_{sub.n}$ different values for each parameter $P_{sub.n}$, and further obtaining at least $m_{sub.1}m_{sub.2} \dots m_{sub.n}$ values of a statistic for each distinct combination of parameter values, where $m_{sub.1}m_{sub.2} \dots m_{sub.n}$ represents the product of values $m_{sub.1}$, $m_{sub.2}$, . . . $m_{sub.n}$ [0463-0464].

Regarding claims 7 and 16, a method in accordance with claim 5, wherein the relationship between the statistic and the parameter or n parameters is determined by assuming that the relationship between the parameter/statistic pairs takes the form of a straight line [0559, sed linear].

Regarding claims 8 and 17, the computer readable media in accordance with claim 6, wherein the equation of the straight line is calculated using co-ordinate geometry [0559 - 0564, see calculate].

Regarding claims 9 and 18, the computer readable media in accordance with claim 7, wherein the mathematical model takes the form: $S = S_a + (S_c - S_a)(c - a) \cdot \text{times} \cdot (P_k - a)$ [0559 - 0564].

Regarding claim 21, the computer readable media for building a model for use in the prediction of resources required for the installation of a software application, the method comprising the steps of collecting historical resource utilisation data of resources utilised during the installation of software applications on computing systems, and storing the historical resource usage data [0037-0038, and 0451].

Regarding claim 22, a model comprising historical resource utilisation data of resources utilised during the installation of software applications on computing systems, the data being stored in a database [0037-0038, and 0451].

Response to Arguments

Applicant's arguments with respect to claims 1 – 22 have been considered but are moot in view of the new ground(s) of rejection.

Regarded the limitation of the historical resource utilization data comprising information about resources required during the as argued by Applicant, Examiner still believes this is taught by Jackson as recited above.

Although Jackson doesn't specifically disclose software he does mention historical utilization of resource information during the installation of the hardware subsystem which would require installation of the associated hardware, drivers etc in the recited portion of [0459] as addressed in Applicant's claim above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached between Monday and Thursday, at 11:00 am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chuck O Kendall/

Primary Examiner, Art Unit 2192

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